

**ADMINISTRATIVE PROCEDURES  
FOR  
CASE MANAGEMENT/  
ELECTRONIC CASE FILING  
(CM/ECF)**

**Revised 7-24-2003**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

**ADMINISTRATIVE PROCEDURES FOR  
CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)  
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## **PREFACE**

This manual primarily addresses administrative policies and procedures governing CM/ECF in the Eastern District of Missouri, and is not intended as a technical guide for the electronic case filing system. Information on training in the use of CM/ECF can be obtained via the Court's website at [www.moed.uscourts.gov](http://www.moed.uscourts.gov), including access to computer-based tutorials.

## **I. THE ELECTRONIC FILING SYSTEM**

### **A. IN GENERAL.**

Unless otherwise permitted by these administrative procedures or authorized by the assigned judge or the Clerk of Court, documents submitted for filing in this district after October 14, 2003, no matter when a case was originally filed, shall be filed electronically using the Electronic Case Filing System (ECF or the System). Electronic filing means uploading a document in .pdf format<sup>1</sup> directly from the registered user's computer, using the Court's Internet-based System, to file that document in the Court's case file. Electronic filers also may use public computers located in the Clerk's Office to electronically file .pdf documents from CD-ROMS or 3.5" floppy disks. Sending a document to the Court via e-mail or fax does not constitute electronic filing.

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<sup>1</sup> A document created with almost any word-processing program can be converted to .pdf. The .pdf program in effect takes a picture of the original document and allows anyone with Adobe Acrobat to open the converted document with layout, format, links, and images intact. Because conversion to .pdf may affect the pagination of a document, paper copies of electronic filings should be made from the .pdf version.

An attorney may apply to the Court for an exemption from electronic filing. Such exemptions will be granted only for good cause. Parties proceeding pro se are exempt from the electronic filing requirement.

The Clerk or any judge of this Court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these procedures at any time without prior notice.

## **B. REGISTRATION.**

In order to file electronically, each attorney must complete an E-Filing Registration Form attached to these procedures as Appendix A. The form is also available on the Court's web site at [www.moed.uscourts.gov](http://www.moed.uscourts.gov). The registration is attorney-specific and not case-specific. The Court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements of Local Rule 12.01, including timely payment of any assessment required by that rule. All signed original E-Filing Registration Forms shall be mailed or delivered to the Office of the Clerk, United States District Court for the Eastern District of Missouri, 111 South 10th Street, Suite 3.300, St. Louis, Missouri 63102. After assigning the attorney a login and password, the Clerk's Office will send the attorney an Internet e-mail message requesting verification of receipt. The Clerk's Office will then mail login and password information to the attorney by regular, first-class mail.

## **C. PASSWORDS.**

Each attorney admitted to practice in the Eastern District of Missouri shall be entitled to one System password from the District Court. Attorneys may change their passwords. The password permits the attorney to participate in the electronic retrieval and filing of documents. The use of an attorney's electronic filing login and password to file a document constitutes the signature of that attorney on that document for all purposes, including Fed.R.Civ.P. 11. An attorney should therefore use all due care to ensure that his or her login and password are adequately safeguarded to prevent unauthorized filings. In the event of any dispute or question, the attorney whose login and password were used to electronically file will bear the burden of proof and persuasion if he or she disclaims a particular filing. If an attorney comes to believe that the security of an existing password has been compromised, the attorney must change his or her password immediately. In addition, the attorney shall immediately notify the ECF Help Desk at 314-244-7650. A Toll-Free number will be activated at a later date.

#### **D. REQUIREMENTS TO USE THE SYSTEM**

The following table outlines both the minimum and the recommended requirements to use the System.

<b>Minimum</b>	<b>Recommended</b>
IBM or Mac PC with a 486-66Mhz processor and 16 MB RAM	Pentium PC or Mac with 64MB RAM
Windows 3.1 or higher	Windows 95 or higher
Netscape 4.5 or higher	Netscape 4.77 or Internet Explorer 5.5 (Netscape 6.0 is not compatible at this time)
Internet Access via a 56k or faster modem	High Speed Internet Access (DSL, Cable, or T1)

Adobe Acrobat Reader 3.0 or higher (only allows viewing of documents)	For filing documents, Adobe Writer 4.0 or higher (or other software to convert documents to PDF)
	Scanner

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. ELECTRONIC FILING IN GENERAL.**

With few exceptions, all documents in a case shall be electronically filed on the System. The official Court record shall be the electronic file maintained on the Court's servers, along with any documents or exhibits permitted to be filed conventionally. In the event that the Clerk scans a paper filing and converts it to electronic format, the Clerk may dispose of the paper document and it will not be returned to the filer.

Electronic filing is permitted at all times, except when the System is temporarily unavailable due to routine or necessary emergency maintenance. An electronic filing completed at any time before midnight Central time shall be entered on the docket as of that date. The System determines the date and time when a filing is completed. A document shall not be considered electronically filed for purposes of the Federal Rules of Civil Procedure until the filing party<sup>2</sup> receives a System-generated "Notice of Electronic Filing". The "Notice of Electronic Filing" will state the official date and time of the filing.

Where a document requires leave to be filed, the attorney should electronically file a motion for leave, and submit the document requiring leave as an attachment to the motion. If the Court grants the motion, the Clerk will file the document.

### **B. COMPLAINTS**

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<sup>2</sup>Except where indicated "filing party" refers to the filing party's attorney.

At this time, a civil case cannot be initiated electronically via the System. The Clerk's Office will accept complaints sent by e-mail, sent by United States mail, or delivered in person to the Clerk's Office. In order to use e-mail, the filing party's attorney must have previously provided the Clerk's Office with a completed credit card authorization form (see Appendix B; available on the Court's web site - [www.moed.uscourts.gov](http://www.moed.uscourts.gov)) bearing an original signature. This credit card authorization form must specify the name, account number, and expiration date on the preauthorized credit card. The filing party's attorney must submit as e-mail attachments the complaint (signed using a computer-generated facsimile signature) and all accompanying documents described below:

- Civil cover sheet
- Disclosure of corporate interest statement
- Original filing form
- Completed summonses (with notice of process server) or waiver of service forms
- Pro hac vice motion and fee (if applicable)
- Motion for temporary restraining order or preliminary injunction (if applicable)

The e-mail addresses for submitting complaints by e-mail are:

[newcases.stlouis@moed.uscourts.gov](mailto:newcases.stlouis@moed.uscourts.gov)

[newcases.cape@moed.uscourts.gov](mailto:newcases.cape@moed.uscourts.gov)

[newcases.hannibal@moed.uscourts.gov](mailto:newcases.hannibal@moed.uscourts.gov)

Only new complaints and their required accompanying documents may be sent to the e-mail addresses listed above. If an attorney sends other pleadings to these e-mail addresses, the Clerk's Office will contact the attorney with a reminder that the pleading must be

electronically filed in the System, and it will not be deemed filed for purposes of Fed.R.Civ.P.5.

Upon receipt of the e-mail, the Clerk's Office will verify that all required documents have been received and will process all required fee payments using the preauthorized credit card number on file. In the event that a credit card transaction is rejected by the credit card company, the Clerk of Court will notify the filing party and advise that the fee payment must be made in person. The receipt number for the filing fees will be recorded on the docket by the Clerk's Office. New cases are deemed filed the day the Clerk's Office receives the complaint and required filing fees.

### **C. SUMMONSES**

The Fed.R.Civ.P. 4 does not permit electronic service of the complaint and summons or waiver of service. A summons submitted by mail or e-mail will be electronically signed and sealed by the Clerk and returned to the filing party by e-mail.

### **D. EXHIBITS**

Each exhibit is to be filed as a separate .pdf attachment using the following format

for file names:

Plaintiffs

exh1.pdf  
exh2.pdf  
exh3.pdf  
.....exh10.pdf, etc.

Defendants

exhA.pdf  
exhB.pdf  
exhZ.pdf  
.....exhAA.pdf, etc.

No .pdf file in excess of 2 megabytes may be submitted. Larger documents must be segmented and submitted as separate attachments, appropriately identified as related, for

example, exh1A.pdf, exh1B.pdf, etc., or exhA1.pdf, exhA2.pdf, etc. If these requirements cannot be met, an oversized exhibit may be filed in conventional paper format and served conventionally on all other parties to the case.

Text documents and black and white graphics should be scanned at 200 dpi. Color images requiring higher resolution, e.g., color photographs, may be scanned in color at a setting up to 250 dpi before being uploaded to the System. The filing party is required to verify the legibility of scanned documents before filing them electronically with the Court.

#### **E. SERVICE UNDER FED.R.CIV.P. 5**

Whenever a document is filed electronically, the System will generate a “Notice of Electronic Filing” to the filing party and to any other party to the action who is a registered user. If the recipient is a registered user, the System’s e-mailing of the “Notice of Electronic Filing” will constitute service pursuant to Fed.R.Civ.P. 5. A party who is not a registered user is entitled to service of a paper copy of any electronically filed documents.<sup>3</sup> A paper copy for service should be generated from the .pdf version of the document to preserve uniform pagination. A certificate of service shall reflect that service was made by means of the “Notice of Electronic Filing” and/or by conventional means as appropriate. A sample certificate of service is attached as Appendix C.

The computation of response times remains governed by Fed.R.Civ.P. 6(a) and is unaffected by the conversion to electronic filing. As previously, when the period is less than 11 days, Saturdays, Sundays and federal holidays are excluded. Rule 6(e) has been

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<sup>3</sup>To determine whether another party is a registered user, the filer can select the System’s “Utilities” category and then click on “Mailing Information for a Case” on the pull-down menu. The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate one.

amended to provide for the addition of three days to the prescribed period both for service by mail and for service by electronic means.

#### **F. SIGNATURES.**

The use of an attorney's electronic filing login and password to file a document constitutes the signature of that attorney on that document for all purposes, including Fed.R.Civ.P.11. To represent the filing attorney's signature on the document, use the following format for the signature block:

**/s/ Judith Attorney**  
Judith Attorney Bar Number: 12345  
Attorney for (Plaintiff/Defendant)  
ABC Law Firm  
123 South Street  
St. Louis, Missouri 63102  
Telephone: (314) 977-4567  
Fax: (314) 977-4567  
E-mail: judith\_attorney@law.com

Alternatively, a facsimile signature can be used.

The electronic filing of preexisting documents, not created for the litigation, requires no verification as to signatures (e.g. a contract that is a subject of litigation). When a document to be electronically filed has been created for the litigation, but is signed by other than the filing attorney (e.g. an affidavit), the document must be physically signed, and the paper copy bearing the original signature(s) must be retained by the filing attorney during the pendency of the litigation including all possible appeals. The electronic filing of such a document with a blank signature line must be accompanied by a verification in which the filing attorney attests to the existence of the signed original. The required verification form is attached as Appendix D.

## **G. ORDERS.**

All orders shall be electronically filed. An electronically signed order has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket conventionally. A judge's electronic signature may take one of two forms – “/s/” followed by the judge's typed name, or a facsimile signature having the appearance of the judge's handwritten signature. When mailing paper copies of an electronically filed order to a party who is not a registered participant of the System, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

## **H. PROPOSED ORDERS**

Any proposed order or proposed judgment should be submitted electronically as an attachment to the motion or memorandum to which it pertains.

## **I. CORRECTING DOCKET ENTRIES.**

Once a document is submitted it becomes part of the court file, and corrections can be made only by the Clerk's Office. The System will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted. The filing party should not attempt to refile the document. As soon as possible after an error<sup>4</sup> is discovered, the filing party should contact the assigned judge's case management team.

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<sup>4</sup>Errors include posting the wrong .pdf file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number.

The filing party will be advised of what corrective steps need to be taken and should not attempt to refile the document unless instructed to do so.

#### **J. TECHNICAL FAILURES.**

If technical failure of the System prevents timely electronic filing of any document, the filing party may seek relief from the Court. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end may use the public computer facilities in the Clerk's Office to upload the document to the System.

#### **K. PRIVACY.**

In compliance with policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers:

1. **Social security numbers.** Use only the last four digits.
2. **Names of minor children.** Use only the initials of the child.
3. **Dates of birth.** Use only the year.
4. **Financial account numbers.** Use only the last four digits of the account number.

See Administrative Order of the Court, April 8, 2003, In Re: Redaction of Civil Personal Data Identifiers (available at <http://www.moed.uscourts.gov>).

### **III. CONVENTIONAL FILING OF DOCUMENTS.**

#### **A. MAGISTRATE JUDGE CONSENTS.**

Pursuant to Fed.R.Civ.P. 73(b), parties' filings of consent to jurisdiction by United States Magistrate Judge or District Judge option will continue to be treated as non-public documents until all parties have consented. Therefore, parties must file their consent forms in paper (either mailed or delivered to the Clerk's Office) because electronic filing of a Magistrate Judge consent form will create a public document. If all parties consent to the jurisdiction of the Magistrate Judge, the Clerk will scan all consent forms which will then become public documents.

#### **B. DOCUMENTS TO BE FILED UNDER SEAL/MOTIONS FOR "EX PARTE" RELIEF**

Such documents will not be electronically filed. A motion to file documents under seal must be presented in conventional format along with the documents proposed to be filed under seal. If the motion is granted, the court will electronically enter the order authorizing the filing of the documents under seal.

#### **C. PRO SE LITIGANTS.**

Pro se litigants may not initiate a civil case by e-mail and are exempt from electronic case filing. Pro se litigants will submit all documents for filing in paper format unless otherwise permitted by the presiding judge. The Clerk's Office will convert all pro se documents into electronic format for filing, will retain the documents in chronological order for a period of six months, and then will discard them.

#### **D. SOCIAL SECURITY CASES/OTHER ADMINISTRATIVE RECORDS.**

Social Security appeals will be electronically filed, including the answer, but the Social Security administrative record will be conventionally filed. To address the privacy issues inherent in a social security review, Internet access to the individual documents will be limited to counsel and Court staff. Docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

Transcripts or voluminous exhibits in other administrative review cases may be conventionally filed.

#### **E. HABEAS CORPUS CASES - STATE COURT RECORD.**

The state court record required by Rule 5 of the Rules Governing 2254 Cases in the United States District Courts will be conventionally filed in cases brought pursuant to 28 U.S.C. § 2254.

#### **F. OTHER DOCUMENTS.**

The Court or Clerk may also authorize conventional filing of other documents otherwise subject to these procedures.

#### **G. EXHIBITS.**

If any exhibits or attachments to an electronic document are filed conventionally, a Notice of Exhibit Filing is required. Notice of Exhibit Filing forms are available on the District Court's web site (<http://www.moed.uscourts.gov>). The Notice of Exhibit Filing must be filed electronically as the first attachment to the primary filing. A paper copy of the Notice of Exhibit Filing must be served and filed with the paper exhibits.

#### **IV. PUBLIC ACCESS TO THE SYSTEM DOCKET**

##### **A. PUBLIC ACCESS AT THE COURT.**

Access to the electronic docket and to documents filed in the System is available to the public at no charge at the Clerk's Office during regular business hours. A copy fee is charged for an electronic reproduction. Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office.

##### **B. INTERNET ACCESS.**

Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (PACER) system. Users will be charged a fee of seven cents per page, up to a maximum of \$2.10 per document, to access electronic data such as case specific documents obtained remotely through the PACER system. Each attachment in CM/ECF is considered a separate document. Therefore the cap will apply to each attachment over 30 pages separately. The cap of \$2.10 does not apply to docket sheets or reports. Parties will receive the initial electronic copy of a document filed in their case free of charge to download as they see fit. If parties remotely access the document again, they will be charged seven cents a page.

APPENDIX A will be a copy of the E-Filing Registration Form

Also available on the court's website.

APPENDIX B will be a copy of the Credit/Debit Card Authorization Form.

Also available on the court's website.

Every member of the Bar must complete Part A or Part B of this form.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

E-FILING REGISTRATION FORM

This form cannot be submitted electronically. Complete the form on-line, print a hard copy, sign it and present it to the Clerk's office at the address below.

**\*\* Please type; this will also serve as a return mailing label\*\***

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Federal Bar Number: \_\_\_\_\_

Year of Birth (for use in login name): \_\_\_\_\_

PART A.

All of the information is required and must be supplied, including your original signature.

I request access to the District Court Electronic Filing System.

Primary e-mail address: \_\_\_\_\_

Secondary e-mail address: \_\_\_\_\_

E-mail software used: \_\_\_\_\_

☐ I have an existing PACER account.

☐ My firm has an existing PACER account.

**\*\*Note: A PACER account is necessary for viewing electronic documents\*\***

☐ I CERTIFY THAT I AM A MEMBER IN GOOD STANDING OF THE BAR OF THIS COURT AND I AM FAMILIAR WITH THE ELECTRONIC FILING RULES OF THE EASTERN DISTRICT OF MISSOURI [local rules may be found at: [www.moed.uscourts.gov](http://www.moed.uscourts.gov)]

☐ I AM A GOVERNMENT ATTORNEY EXEMPT FROM MEMBERSHIP PURSUANT TO LOCAL RULE 83-12.01 BUT I AM FAMILIAR WITH THE ELECTRONIC FILING RULES OF THE EASTERN DISTRICT OF MISSOURI

By registering under this rule, attorneys consent to electronic service *by the court* of all documents, including orders and judgments. See Local Rule 5-2.12, Fed.R.Civ.P. 5, Fed.R.Civ.P. 77, and Fed.R.Crim.P. 49.

Attorney's signature: \_\_\_\_\_

**\*\*YOUR LOGIN AND PASSWORD WILL BE MAILED TO YOU UPON OUR PROCESSING OF THIS FORM\*\***

Return this form via hand delivery or via mail only to:

Clerk, U.S. District Court  
E-Filing Registration  
111 South Tenth Street, Rm. 3.300  
St. Louis, MO 63102

Court Use Only  
E-Filing Login Assigned: \_\_\_\_\_

E-Filing Password Assigned: \_\_\_\_\_

☐ Confirmation e-mail sent  
☐ Attorney's e-mail record updated  
☐ Copy of form mailed to attorney

☐ E-mail confirmed by attorney  
☐ "You are registered" e-mail sent

PART B.

APPLICATION FOR E-FILING EXEMPTION

Pursuant to Local Rule 3-2.10, I hereby state that I do not have the technical capacity to file documents with the Court electronically at this time, and therefore ask for an exemption from electronic filing requirements. I will notify the Court when my circumstances change.

Attorney's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print name: \_\_\_\_\_

.....(For Court Use Only) .....

☐ REQUEST IS DENIED \_\_\_\_\_

Date: \_\_\_\_\_

☐ REQUEST IS GRANTED \_\_\_\_\_

Date: \_\_\_\_\_



## United States District Court Eastern District of Missouri

www.moed.uscourts.gov  
314-244-7900

### CREDIT/DEBIT CARD AUTHORIZATION FORM

I hereby authorize the U.S. District Court for the Eastern District of Missouri to charge the card listed below for payment of fees which are incurred by the authorized users. I certify that I am authorized to sign this form on behalf of my law firm or corporation and/or that I am the person authorized to use this card. I understand that this information will be securely maintained by the Court. I also understand that when an initiating petition requiring a fee is received through the electronic court filing system, the Court will automatically charge the account number listed on the form.

#### New Applicant

#### Renewal Applicant

Cardholder Name as it appears on card: \_\_\_\_\_

Billing Address \_\_\_\_\_ City/State \_\_\_\_\_

Card Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signature of Card Holder: \_\_\_\_\_ Date: \_\_\_\_\_

Type:      Mastercard      Visa      Discover      American Express      Other \_\_\_\_\_

Names of individuals authorized to use account number listed above for payment of fees:  
(Include cardholder name, if authorized user)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Law Firm Name: \_\_\_\_\_  
(If sole practitioner, type in your name)

Address: \_\_\_\_\_

Immediate Contact Number: \_\_\_\_\_ Alternate Contact Number: \_\_\_\_\_

This form will remain in effect until the expiration date is met or specifically revoked in writing. It is the cardholder's responsibility to submit a new form and notify the court of: (1) any changes to the registered attorney or employee, (2) a new expiration date when a credit card has been renewed, or (3) a card has been revoked, canceled, or stolen.

In the event the charge against the account is denied, you will be notified immediately to make payment in cash, money order or check. Any abuse of this privilege may result in your removal from the credit card program.

Submit this form, **with a photocopy of the front and back of the card to:**

Cashier  
U.S. District Court - EDMO  
111 South 10<sup>th</sup> Street, Rm 3.300  
St. Louis, MO 63102

*Note: Case related fees must have a credit card authorization form completed prior to the card being accepted as payment.*

FOR COURT USE ONLY

Rec'd \_\_\_\_\_ Entered \_\_\_\_\_ Date Entered \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

**SAMPLE FORMAT - CERTIFICATE OF SERVICE**

I hereby certify that on     (Date)    , the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:  
  
\_\_\_\_\_.

I hereby certify that on     (Date)    , the foregoing was mailed by United States Postal Service to the following non-participants in Electronic Case Filing: \_\_\_\_\_.

\_\_\_\_\_  
Attorney's Name and Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Law Firm Telephone Number

	)	
	)	
<b>Plaintiff(s),</b>	)	
	)	
<b>vs.</b>	)	<b>Case No.</b>
	)	
	)	
	)	
<b>Defendant(s).</b>	)	

Attorney for (Plaintiff or Defendant)  
Federal Bar Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

Attorney's Signature